



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 30, 2012

Ms. Jordan Hale
Assistant Attorney General
Assistant Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2012-01517

Dear Ms. Hale:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 444513 (PIR No. 11-32137).

The Office of the Attorney General (the "OAG") received a request for a named person's application of employment, the identity of his immediate superior, work address, and date of birth. The OAG released some information and redacted the person's personal information pursuant to section 552.024 of the Government Code¹ as well as redacting information subject to sections 552.130 and 552.137 of the Government Code in accordance

¹Section 552.024(c) authorizes a governmental body redact, without the necessity of requesting a decision from this office, the home address, home telephone number, and social security number of a current employee who properly elected to keep this information confidential. Gov't Code § 552.024(c); *see id.* § 552.024(c-1) (requestor may appeal agency's decision to withhold information under section 552.024(c) to attorney general), .024(c-2) (agency withholding information pursuant to section 552.024(c) must provide certain notice to requestor).

with Open Records Decision No. 684 (2009).² The OAG argues the remaining information is excepted from disclosure under sections 552.102 and 552.139 of the Government Code. We have considered the OAG's claimed exceptions and have reviewed the submitted information.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, No. 08-0172, 2010 WL 4910163 (Tex. Dec. 3, 2010). We agree the OAG must withhold the date of birth it marked under section 552.102(a) of the Government Code.

Next, the OAG seeks to withhold employees' user IDs under section 552.139 of the Government Code, which excepts from disclosure information that relates to computer network security or to the design, operation, or defense of a computer network. Gov't Code § 552.139. In Open Records Decision No. 2011-18124 (2011), this office issued the OAG a previous determination authorizing it to withhold such information under section 552.139 without the necessity of requesting a decision from this office. Thus, the OAG may rely on that decision to withhold the marked employees' user IDs.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

²Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a private e-mail address under section 552.137 and some Texas motor vehicle record information under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. However, on September 1, 2011, the Texas legislature amended section 552.130 to allow a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of seeking a decision from the attorney general. Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *Id.* § 552.130(d), (e). Thus, the statutory amendments to section 552.130 of the Government Code supercede Open Records Decision No. 684 on September 1, 2011. Therefore, a governmental body may only redact information subject to subsections 552.130(a)(1) and (a)(3) in accordance with section 552.130, not Open Records Decision No. 684.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le', written in a cursive style.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/som

Ref: ID# 444513

Enc: Submitted documents

c: Requestor
(w/o enclosures)